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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,666	05/30/2001	Yoshihisa Yamaji	35.C15626	5120

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EXAMINER
STERRETT, JONATHAN G

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/866,666	YAMAJI ET AL.
	Examiner	Art Unit
	Jonathan G. Sterrett	3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _02 February 2006_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _41-51_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _41-51_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _2-2-06_

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This **Final Office Action** is responsive to applicant's amendment filed February

2, 2006. Applicant's amendment of February 2, 2006 cancelled **Claims 1-40** and added

Claims 41-51. Currently **Claims 41-51** are pending.

Response to Arguments

2.   The objections to the specification are withdrawn.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Dependent **Claim 49** recites the limitation "said communication unit" in lines 1-2

and the limitation "said changing unit". There is insufficient antecedent basis for these

limitations in the claim. For the purposes of examination, the examiner assumes the

"said communication unit" to mean the "said communication step" of independent claim

46; and the "said changing unit" to be the "said changing step" of independent claim 46.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 USC. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negatived by the manner in which the invention was made.

5. **Claims 41, 42, 44-47 and 49-51** are rejected under 35 USC. 103(a) as being

unpatentable over **Henson** US Patent 6,167,383 in view of **Engler**.

Engler, Natalie; "The supply chain's most neglected link", Feb 1997, Software

Magazine, Englewood, Vol. 17, Iss. 2, p.72, 6 pages, ProQuest ID 10958394.

Regarding **Claim 46**, Henson teaches:

a communication step of communicating information with a plurality of

terminal apparatuses through a predetermined communication line so as to

receive an order for an article that includes a designation of a specific date

regarding the order from each of the plurality of terminal apparatuses;

Figure 9, #120, Dell's online store communicates information to a plurality of

terminal apparatuses (i.e. PC's communicating with the online store over the internet)

so as to receive an order for an article (i.e. a PC from Dell). The receipt of an order for

an article includes specifics about the article including designation of a specific date

(e.g. next or 2nd business day delivery). – See also Figure 2.

a service information storage step of storing service information on a

service corresponding to an order for an article;

Figure 1 #24, the database stores the order information corresponding to an

order for an article (see Figure 11).

Column 5 line 20-25, the shopping cart (driven by the database) stores the

service and product information associated with a customer's order.

a screen information transmission step of transmitting information of in a

mark-up language for an ordering screen to the plurality of terminal apparatuses;

Column 5 line 66-column 6 line 5, information is transmitted over the internet (i.e.

in a markup language) for an ordering screen to those wishing to purchase from Dell

online (i.e. a plurality of terminal apparatuses).

an order condition information storage step of storing condition

information for the order for the article received by said communication step from

each of the plurality of terminal apparatuses;

Figure 3b, the shopping cart stores condition information related to the selection

of various products selected by the customer. Here, for example, if the customer

selects one of four printers and a scanner, then these items are added to the shopping

cart (i.e. storing condition information that these items are part of the order).

a reception step of receiving payment information on an amount of the

article included in the order from each of the plurality of terminal apparatuses;

Figure 10, Dell's online store receives payment information for the placing of an

order for a PC and related components. E.g. payment information can be received in

the form of a credit card (#124).

a comparison step of comparing the condition information after addition by

said adding step with a standard value relating to available delivery dates;

column 6 line 48-52, the system compares the customer's order for specific items

that are known to extend delivery with the standard value for available delivery dates.

a changing step of changing service information common to the orders for the articles received from the plurality of terminal apparatuses included in the service information stored in said service information storage step, if the comparison made by said comparison step shows that the condition information after the addition by said adding step exceeds the standard value; and

column 7 line 1-8, Certain options if selected by the customer, will result in delivery times being extended beyond the standard value. The system compares the delivery times for these options to the standard delivery times to flag them to the customer if the customer chooses them.

a service information transmission step of transmitting the service information changed by said changing step to the plurality of terminal apparatuses,

column 7 line 16-21, the service information related to the delayed articles for delivery is transmitted to the customer (i.e. to the variety of terminals since this capability is provided to each customer) if the customer adds these articles to their order.

wherein the service information corresponds to one of allocation dates of a vehicle that carries the articles.

Figure 9 #120, the service information, as discussed above, corresponds to one of allocation dates of a carrier (i.e. a vehicle that carries the articles).

Dell teaches where selecting various options for articles for delivery can affect

the delivery date, as discussed above, but does not teach where the selected weight or

volume information of the article as selected, specifically affects the delivery information

as per:

an adding step of adding weight information or volume information of the

article included in an article information table corresponding to the amount

information received by said reception step to the condition information stored in

said order condition information storage step;

a comparison step of comparing the condition information after addition by

said adding step with a standard value relating to a loading capacity of a vehicle;

Engler teaches:

an adding step of adding weight information or volume information of the

article included in an article information table corresponding to the amount

information received by said reception step to the condition information stored in

said order condition information storage step;

Page 3 para 9, Engler teaches that adding additional orders to a truck, based on

the volume (known in the art as 'cube') and weight information, is used to determine

how a truck can be filled and if more than one truck is required for a particular order.

See also page 2 paragraph 9 – previously, scheduling trailers to minimize LTL's and

maximize load carrying capacity was done manually.

a comparison step of comparing the condition information after addition by

said adding step with a standard value relating to a loading capacity of a vehicle;

Page 3 para 9, Engler teaches that trailers (i.e. vehicle's) are determined to be

full based on the number of orders and the associated weight and cube of those orders

in comparison to what that trailer can carry.

Both Engler and Henson address scheduling shipments to customers, thus both

Engler and Henson are analogous art.

Henson teaches that informing a customer that a desired item will result in a

delay improves customer satisfaction because the customer is informed before ordering

that ordering the item will result in a delayed shipment.

Engler teaches that automatically providing for building of trailer (i.e. vehicle)

loads based on cube and weight improves customer satisfaction while reducing costs

because trailers are more fully loaded en route to their destination, resulting in less

delays and lower costs in shipping goods to customers. (page 3 para 7; page 2 para 5).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the teachings of Henson, regarding providing for an online ordering

capability to customers, where customers can custom-build their order and see the

impact to delivery time, to include the step of providing an online interface that provides

information to the customer indicating changes to delivery schedule based on the

weight and volume of their ordered articles as the articles would fit into a delivery

vehicle, because it would reduce delivery costs while at the same time improving

customer satisfaction.

Regarding **Claim 47** Henson teaches:

wherein the order for an article comprises a request for delivery of a

predetermined article or a request for collection of an expendable supply for the article

for recycling.

Column 1 line 23-27, the order for the article comprises a request for delivery of a

computer system (i.e. a predetermined article) – see also Figure 9 #120 for delivery

options (i.e. request for delivery).

Regarding **Claim 49** Henson teaches:

wherein said communication unit notifies one or more of the plurality of

terminal apparatuses which ordered the article before the service information is

changed of the service information changed by said changing unit.

Column 6 line 59-64, the terminal apparatus is notified of selections in product

ordering options that would result in delivery delays beyond the standard delivery terms.

These notifications (i.e. shipment delay indicator and warning icons) are sent to the

customer's terminal before the customer actually processes the order so that the

customer understands beforehand the implications of including those selections in the

order.

Regarding **Claim 50** Henson teaches:

wherein the service information indicates a discount rate or point.

Column 10 line 44-46, the identification of customers allows for a discounted

pricing (i.e. application of a discount rate) depending on who the customer is.

Claims 41, 42, 44, 45 and 51 recite1 limitations similar to those addressed by

the rejections of **Claims 46, 47, 49 and 50** above, and are therefore rejected under the

same rationale.

6.   **Claims 48 and 43** are rejected under 35 USC. 103(a) as being unpatentable

over **Henson** US Patent 6,167,383 in view of **Engler** and further in view of **Gair**.

Gair, Cristina; "Office Trash: Handle with Care", Oct 1999, Home Office

Computing, Boulder, Vol. 17, Iss. 10, pg. 28, 1 pgs, ProQuest ID 51412812.

Regarding **Claim 48** Henson teaches ordering, selling and delivering PC's

including printers via the internet (i.e. online) and Engler teaches using IT to optimize

vehicle loading and logistics planning but Henson and Engler do not teach:

wherein the article is a used item and the order for the article comprises a request for collection of the used item for recycling.

Gair teaches:

wherein the article is a used item and the order for the article comprises a request for collection of the used item for recycling.

Page 1 para 2, the HP program provides for requesting a free pickup (i.e. request for collection) of the toner cartridge (i.e. the used item for recycling).

Gair teaches that recycling used office supplies protects the environment (page 1 abstract).

Gair, Henson and Engler all address issues relating to providing service to customers, thus Gair, Henson and Engler are all analogous art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the collective teachings of Henson and Engler, regarding providing for an online ordering capability to customers, where customers can custom-build their order and see the impact to delivery time, which includes providing an indication of truck loading and routes, to include the step of handling requests for collection of used office supplies for recycling, as taught by Gair, because it would protect the environment from the hazard of used office supplies.

Claim 43 recites limitations similar to those addressed by the rejection of Claim 48 above, and is therefore rejected under the same rationale.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

"The impact of reverse logistics on the total cost of ownership" Ronald S Tibben-Lembke, Journal of Marketing Theory and Practice, Statesboro: Fall 1998. Vol. 6, Iss. 4; p. 51 (10 pages).

"Remanufacturing reaches corporate America", Anonymous. In Business. Emmaus: Sep/Oct 1998. Vol. 20, Iss. 5; p. 12 (2 pages).

"Center at RIT fuels drive to remanufacture", Dickinson, Mike. Rochester Business Journal. Rochester: Jul 31, 1998. Vol. 14, Iss. 16; p. 1.

"Remanufacturing Is Gaining Ground in Corporate America", Claudia H. Deutsch. New York Times (Late Edition (East Coast)). New York, N.Y.: Jul 14, 1998. p. D.1.

"Management of environmental issues in logistics: Current status and future potential", Murphy, Paul R, Poist, Richard F, Braunschwieg, Charles D. Transportation Journal. Lock Haven: Fall 1994. Vol. 34, Iss. 1; p. 48 (9 pages).

"Ink again: The facts about cartridge recycling", Rowh, Mark. Office Systems. Nov 1993. Vol. 10, Iss. 11; p. 28 (3 pages).

"Remanufacturer Taps New Market", Veverka, Amber. Grand Rapids Business Journal. Grand Rapids: Oct 19, 1992. Vol. 10, Iss. 41; p. B.

"Logistics outsourcing report: Dedicated to savings", Cooke, James Aaron, Logistics Management, Highlands Ranch, Oct 1996, Vol. 35, Iss. 10; pg. 67, 2 pages, ProQuest ID 103170019.

"Printer Supplies: Laser Status Report", Martin, Cathy, Office World News, Ft. Lauderdale, June 1999, Vol. 27, Iss. 6, pg.16, 2 pages, ProQuest ID 43400022.

"Reinvention Reigns", Michel; Roberto, Manufacturing Systems, Wheaton, July 1997, Vol. 15, Iss. 7, page 28, ProQuest ID 13074203.

"Managing the Supply Chain", Raskob, John, Ivey Business Journal; May/Apr 2000, 64, 4; ABI/INFORM Global, p.52.

"Are you in on the plan?", Andel, Tom, Transportation and Distribution,

Cleveland; June 1998, Vol 39, Iss. 6, page SCF5, 3 pages, ProQuest ID 30421430.

8.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jonathan G. Sterrett whose telephone number is (571)

272-6881. The examiner can normally be reached on Monday-Friday, 8:00AM -

6:00PM.

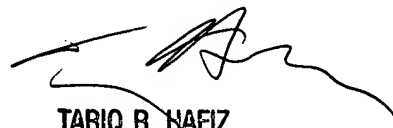If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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JGS
4/12/2006

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